

FORTY-EIGHTH DAY

(Tuesday, April 4, 1939)

The House met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Morse.

The roll of the House was called, and the following Members were present:

Mr. Speaker	Gordon, Mrs.
Allen	Hale
Allison	Hamilton
Alsup	Hankamer
Bailey	Hardeman
Baker	Hardin
of Fort Bend	Harp
Baker of Grayson	Harper
Bell	Harrell of Bastrop
Blankenship	Harrell of Lamar
Bond	Hartzog
Boyd	Heflin
Boyer	Holland
Bradbury	Howard
Bradford	Howington
Bray	Hull
Bridgers	Hunt
Broadfoot	Isaacks
Brown of Cherokee	Johnson of Ellis
Brown	Johnson of Tarrant
of Nacogdoches	Keith
Bundy	Kennedy
Burkett	Kern
Burney	Kerr
Cauthorn	Kersey
Celaya	Kinard
Chambers	King
Clark	Langdon
Cleveland	Lehman
Cockrell	Leonard
Coleman	Leyendecker
Colquitt	Little
Colson, Mrs.	Lock
Cornett	Loggins
Corry	London
Crossley	Mays
Daniel	McAlister
Davis of Jasper	McDaniel
Davis of Upshur	McDonald
Dean	McFarland
Derden	McMurry
Dickison	McNamara
Dickson	Mohrmann
Dwyer	Monkhouse
Faulkner	Montgomery
Felty	Morris
Ferguson	Newell
Fielden	Nicholson
Fuchs	Oliver
Galbreath	Pace
Gilmer	Petsch
Goodman	Pevehouse

Piner	Stinson
Pope	Stoll
Ragsdale	Talbert
Reader of Bexar	Tarwater
Reader of Erath	Taylor
Reaves	Tennant
Reed	Thornberry
Rhodes	Thornton
Riviere	Turner
Roach	Vale
Roberts	Vint
Robinson	Voigt
Russell	Waggoner
Segrist	Weldon
Shell	Westbrook
Skiles	White
Smith of Frio	Wilson
Smith of Hopkins	Winfree
Smith	Wood
of Matagorda	Wright
Spencer	

Absent—Excused

Anderson	Schuenemann
Donaghey	Wells
Dowell	Worley
Harris	

A quorum was announced present.

Prayer was offered by Rev. George W. Coltrin, Chaplain, as follows:

"Almighty God, we thank Thee for every good thing we have been able to do in our work. Wherein we have erred, forgive; and open our minds to see the better ways day by day. May Thy hand direct and Thy Spirit enlighten all along the way. Suit to us the blessings that we need. For Jesus' sake. Amen."

LEAVES OF ABSENCE GRANTED

The following Members were granted leaves of absence on account of important business:

Mr. Donaghey for today, on motion of Mr. Gilmer.

Mr. Schuenemann for today, on motion of Mr. Shell.

Mr. Worley for today and the balance of the week, on account of important State business, on motion of Mr. Monkhouse.

Mr. Harris for today and the balance of the week, on account of important State business, on motion of Mr. Allison.

Mr. Anderson for today, on account of illness, on motion of Mr. Reader of Bexar.

HOUSE BILLS ON FIRST READING

Mr. Nicholson asked unanimous consent, to introduce, at this time, and have placed on first reading, House Bill No. 934.

There was no objection offered.

The Speaker then laid the bill before the House, it was read first time, and referred to the appropriate committee, as follows:

By Mr. Nicholson:

H. B. No. 934, A bill to be entitled "An Act providing for the consolidation of corporations organized under Subdivision 81 of Article 1302 of the Revised Civil Statutes of 1925, and for the consolidation of such a corporation with similar corporations organized under the laws of the United States or any State or Territory for similar purposes; and providing for the agreement of consolidation and the manner of its approval; and for filing and recording of the articles of consolidation; and providing that nothing hereunder may modify or repeal the laws of this State relating to monopolies or trusts; and providing for the payment of supplemental franchise tax in the event said consolidation shall increase the capital stock over that of the consolidated corporations, and declaring an emergency."

Referred to the Committee on Municipal and Private Corporations.

Mr. Bundy asked unanimous consent, to introduce, at this time, and have placed on first reading, House Bill No. 935.

There was no objection offered.

The Speaker then laid the bill before the House, it was read first time, and referred to the appropriate committee, as follows:

By Mr. Bundy, Mr. Clark and Mr. McMurry:

H. B. No. 935, A bill to be entitled "An Act to provide additional revenues for the State of Texas by imposing a tax upon the sale, rental or lease of articles of luxury; levying a tax upon the sale, rental or lease of articles of tangible personal property, which are luxuries, as herein defined, and upon the furnishing, preparing or serving articles of tangible personal property which are luxuries, as herein defined, levying and providing for the assessment, collection, payment and

disposition of such tax, allocating its proceeds less the cost of collecting, as herein provided, for one-fourth ($\frac{1}{4}$ th) to the Available School Fund, three-fourths ($\frac{3}{4}$ ths) to the Social Security Fund, including old age assistance, aid to the needy blind and aid to the delinquent children and Teachers Retirement Fund; defining and denouncing violations of the provisions of this Act; prescribing penalties therefor; repealing all laws or parts of laws as may conflict herewith, with certain exceptions; stating definitions and terms of the Act, and declaring an emergency."

Referred to the Committee on Revenue and Taxation.

MOTION TO PRINT HOUSE JOINT RESOLUTION NO. 24 ON MINORITY REPORT

Mr. Hardin moved that House Joint Resolution No. 24, reported adversely, with a minority favorable report, be printed.

Question recurring on the motion by Mr. Hardin, yeas and nays were demanded.

The roll of the House was called, and the vote announced, as follows: Yeas, 79; Nays, 37.

A verification of the vote was requested.

The roll of the "yeas" and "nays" was again called, and the verified vote resulted, as follows:

Yeas—80

Allen	Dickison
Allison	Dickson
Bailey	Faulkner
Baker	Ferguson
of Fort Bend	Fielden
Bond	Fuchs
Bradbury	Galbreath
Bridgers	Goodman
Broadfoot	Hale
Brown of Cherokee	Hamilton
Brown	Hardin
of Nacogdoches	Harrell of Bastrop
Burney	Harrell of Lamar
Chambers	Holland
Cleveland	Howington
Cockrell	Hull
Coleman	Hunt
Cornett	Johnson of Ellis
Corry	Kennedy
Crossley	Kern
Davis of Jasper	Kersey
Derden	Kinard

Langdon	Rhodes
Lehman	Riviere
Lock	Roberts
Loggins	Russell
McFarland	Skiles
McNamara	Smith of Hopkins
Montgomery	Spencer
Morris	Stoll
Newell	Talbert
Nicholson	Tarwater
Oliver	Tennant
Pace	Turner
Pevehouse	Waggoner
Piner	Weldon
Ragsdale	Westbrook
Reader of Bexar	White
Reader of Erath	Wilson
Reaves	Wood
Reed	Wright

Nays—36

Alsup	Little
Bell	McAlister
Boyd	McDaniel
Boyer	McDonald
Bundy	McMurry
Burkett	Mohrmann
Cauthorn	Monkhouse
Clark	Pope
Colquitt	Roach
Davis of Upshur	Robinson
Dwyer	Shell
Felty	Smith of Frio
Gilmer	Smith
Gordon, Mrs.	of Matagorda
Hankamer	Stinson
Harp	Thornberry
Isaacks	Thornton
Keith	Vale
Leyendecker	

Present—Not Voting

Vint

Absent

Baker of Grayson	Howard
Blankenship	Johnson of Tarrant
Bradford	Kerr
Bray	King
Celaya	Leonard
Colson, Mrs.	London
Daniel	Mays
Dean	Petsch
Hardeman	Segrist
Harper	Taylor
Hartzog	Voigt
Heflin	Winfree

Absent—Excused

Anderson	Schuenemann
Donaghey	Wells
Dowell	Worley
Harris	

The Speaker announced that the motion to print House Joint Resolution No. 24 on minority report prevailed.

Mr. Goodman moved to reconsider the vote by which House Joint Resolution No. 24 was ordered printed on minority report.

Mr. Hardin moved to table the motion to reconsider.

The motion to table was lost.

Question recurring on the motion to reconsider the vote, yeas and nays were demanded.

The motion to reconsider prevailed by the following vote:

Yeas—82

Allison	Lehman
Alsup	Leyendecker
Baker	Little
of Fort Bend	London
Bell	McAlister
Boyd	McDaniel
Boyer	McDonald
Bradford	McMurry
Bray	Mohrmann
Bridgers	Monkhouse
Bundy	Montgomery
Burkett	Morris
Cauthorn	Nicholson
Celaya	Petsch
Chambers	Piner
Clark	Pope
Cockrell	Ragsdale
Coleman	Reader of Bexar
Colquitt	Reader of Erath
Crossley	Reaves
Davis of Jasper	Reed
Davis of Upshur	Riviere
Dean	Robinson
Dickson	Schuenemann
Dwyer	Segrist
Felty	Shell
Gilmer	Skiles
Goodman	Smith of Frio
Gordon, Mrs.	Smith
Hankamer	of Matagorda
Hardeman	Stinson
Harp	Tarwater
Harrell of Lamar	Taylor
Hartzog	Tennant
Heflin	Thornberry
Howard	Thornton
Howington	Turner
Isaacks	Vale
Johnson of Tarrant	Vint
Keith	Waggoner
Kinard	Winfree
King	Wright

Nays—48

Allen	Johnson of Ellis
Bailey	Kennedy
Blankenship	Kern
Bradbury	Kersey
Broadfoot	Langdon
Brown of Cherokee	Lock
Brown	McFarland
of Nacogdoches	McNamara
Cleveland	Newell
Cornett	Oliver
Corry	Pace
Derden	Pevehouse
Dickison	Rhodes
Faulkner	Roach
Ferguson	Roberts
Fielden	Russell
Fuchs	Smith of Hopkins
Galbreath	Spencer
Hale	Stoll
Hamilton	Weldon
Hardin	Westbrook
Harrell of Bastrop	White
Holland	Wilson
Hull	Wood
Hunt	

Absent

Baker of Grayson	Kerr
Bond	Leonard
Burney	Loggins
Colson, Mrs.	Mays
Daniel	Talbert
Harper	Voigt

Absent—Excused

Anderson	Harris
Donaghey	Wells
Dowell	Worley

Question—Shall House Joint Resolution No. 24 be printed on minority report?

The motion was lost by the following vote:

Yeas—64

Allen	Daniel
Allison	Davis of Jasper
Alsup	Derden
Bailey	Dickison
Blankenship	Faulkner
Bond	Ferguson
Bradbury	Fielden
Bridgers	Fuchs
Broadfoot	Galbreath
Brown of Cherokee	Hale
Brown	Hamilton
of Nacogdoches	Hardin
Cleveland	Harrell of Bastrop
Cornett	Harrell of Lamar
Corry	Holland

Howard	Piner
Hunt	Rhodes
Johnson of Ellis	Riviere
Johnson of Tarrant	Roberts
Kennedy	Russell
Kern	Skiles
Kersey	Smith of Hopkins
Langdon	Spencer
Lehman	Stoll
Lock	Turner
Loggins	Voigt
McFarland	Weldon
McNamara	Westbrook
Morris	White
Newell	Wilson
Oliver	Wood
Pace	Wright
Pevehouse	

Nays—68

Baker	Leyendecker
of Fort Bend	Little
Bell	Mays
Boyd	McAlister
Boyer	McDaniel
Bradford	McDonald
Bray	McMurry
Bundy	Mohrmann
Burkett	Monkhouse
Cauthorn	Montgomery
Celaya	Petsch
Chambers	Pope
Clark	Ragsdale
Cockrell	Reader of Bexar
Coleman	Reader of Erath
Colquitt	Reaves
Crossley	Reed
Davis of Upshur	Roach
Dean	Robinson
Dickson	Schuenemann
Dwyer	Segrist
Felty	Shell
Gilmer	Smith of Frio
Goodman	Smith
Gordon, Mrs.	of Matagorda
Hankamer	Stinson
Hardeman	Tarwater
Harp	Taylor
Hartzog	Tennant
Heflin	Thornberry
Howington	Thornton
Isaacks	Vale
Keith	Vint
Kinard	Waggoner
King	Winfree

Absent

Baker of Grayson	Kerr
Burney	Leonard
Colson, Mrs.	London
Harper	Nicholson
Hull	Talbert

Absent—Excused

Anderson Harris
Donaghey Wells
Dowell Worley

(Mr. Wood in the Chair.)

MESSAGE FROM THE SENATE

Austin, Texas, April 4, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House the Senate has failed to pass to engrossment,

S. B. No. 330, A bill to be entitled "An Act to amend Section 1, Acts of the Second Called Session, Forty-first Legislature, Chapter 41, conferring upon the State Highway Department authority to issue permits for the operation of super-heavy or over-size equipment over a State Highway, for the transportation of such commodities as cannot be reasonably dismantled, or for the transportation of perishable fruits, vegetables, livestock and livestock feed stuffs, where the gross weight or size exceeds the limits allowed by law to be transported over a State Highway; declaring an emergency and providing this Act shall take effect from and after its passage."

By the following vote: Yeas, 11; Nays, 15.

S. C. R. No. 31, Granting Judge C. Y. Welch permission to be absent from the State at certain intervals during the years 1939 and 1940.

Respectfully,

BOB BARKER,

Secretary of the Senate.

(Speaker in the Chair.)

PROPOSED AMENDMENT TO THE RULES

Mr. McDonald offered the following resolution:

H. S. R. No. 204, Proposed amendment to the Rules.

Whereas, It has been a custom of long standing in the House of Representatives that the Members of said House wear coats while addressing said body; and

Whereas, This custom of long standing has not been observed by the Members of the Forty-sixth Legislature; and

Whereas, The practice of addressing the House without a coat has consid-

erably detracted from the dignity and appearance of this body; now therefore, be it

Resolved by the House of Representatives, That Rule XI, Section I, Rules of the Forty-sixth Legislature be amended by adding a new Section to be known as Section 1A, to read as follows: "No male Member of the House shall be recognized by the Speaker to address the House unless said Member has on a tie and coat."

McDONALD,
BRIDGERS.

The resolution was read second time, and was referred, by the Speaker, to the Committee on Rules.

RELATIVE TO CERTAIN BUILDING FUND

Mr. Goodman offered the following resolution:

H. C. R. No. 79, Relative to certain Building Fund.

Whereas, Texas Woman's Press Association, the second oldest woman's organization in the State of Texas, has dedicated its efforts toward sponsoring a movement and campaign, among all Texans everywhere, for a Building Fund of One Million (\$1,000,000.00) Dollars, approximately, in behalf of a new home for Texas State Library—the same to function also as a Texas Historical Center—to be dedicated as a Memorial to the Pioneers of Yesterday, and to the Citizens of Today and Tomorrow, to All Texans of All Times, in the current year 1939—which year marks the one-hundredth birthday anniversary of Texas State Library, and also that of Texas' Capitol City, Austin; and

Whereas, The site for the proposed Texas State Library, Texas Historical Center is to be a gift, too, to the State of Texas; and

Whereas, The State of Texas stands in great need for an expanded State Library to serve in its vital capacities adequately now and in the future; and

Whereas, The historic State Archives, now in precarious quarters in the basement of the Capitol in Austin, will be given safe and dignified housing in a permanent home, and State's Records can be housed thus also; and

Whereas, Texas and the City of Austin, as our Capitol City, will be the possessors of a magnificent building, that will serve the people of the State directly, in many needed capac-

ities, and that will serve further as an attraction to all citizens of Texas and to visitors to the State; and

Whereas, A large number of the States in the United States of America have State Library and Historical Buildings, to which they justly point with pride; be it

Resolved by the State of Texas Legislature, in this, the Forty-sixth session, That it hereby approve the movement to raise said building fund as presented by the Texas Woman's Press Association; be it

Resolved, That the Public Lands and Buildings Committee act legislatively, with the said Texas Woman's Press Association, at such time as may be necessary in the consummation of the building fund, and the selection of the correct or most advantageous site for the building, if and when the Legislature is not in session.

GOODMAN,
READER of Bexar,
BUNDY,
ROBERTS,
MONTGOMERY,
LEONARD,
WINFREE,
HANKAMER,
HOWARD,
STINSON,
BRADBURY,
HARRIS,
THORNBERRY,
ALSUP,
GORDON, MRS.,
READER of Erath,
HULL,
MAYS.

The resolution was read second time.

On motion of Mr. Wood, the resolution was referred to the Committee on Public Lands and Buildings.

MEMORIALIZING CONGRESS IN REGARD TO THE SALE OF CERTAIN PROPERTY

Mr. Boyd offered the following resolution:

H. C. R. No. 81, Memorializing Congress in regard to the sale of certain property.

Whereas, Heretofore the Resettlement Administration loaned to many of the farmers of Texas various sums of money, accepting for the extension of such credit chattel mortgages upon personal property held by such farmers; and

Whereas, The Secretary of Agriculture, Hon. Henry A. Wallace, is now in charge of the collection of the indebtedness created as herein above set out. The chattel mortgage referred to provided that upon default of payment of indebtedness the property mortgaged to secure the same might be sold after notice at public auction; and

Whereas, The Secretary of Agriculture, and the Department of Agriculture is now selling the property securing the loans so made at public auctions; and

Whereas, In the State of Texas the planting season has arrived and the farmers are using their property for the purpose of planting crops, and no income will be had by such farmers until the harvest season. If the property is taken from such farmers they will be unable to plant their crops for this year; and

Whereas, Such action will be disastrous to such farmers; now, be it

Resolved by the House of Representatives in the Forty-sixth Legislature, the Senate concurring, That the Department of Agriculture be urged to desist from the sale of such property until the end of the harvest season in order that the farmers may plant their crops, and that a copy of this resolution be forwarded to the Texas delegation of the United States Congress.

The resolution was read second time, and was adopted.

URGING CONGRESS TO MAKE CERTAIN APPROPRIATION TO AID WILDLIFE IN TEXAS

The Speaker laid before the House, for consideration at this time, the following resolution:

S. C. R. No. 28, Relating to an appropriation by Congress for aid to States for wildlife restoration.

Whereas, By Section 610, Title IV, of the Revenue Act of 1932, Congress placed a tax on firearms, shells and cartridges; and

Whereas, The Pittman-Robertson Act (Public 415, 75th Congress) authorized Congress to appropriate an amount equal to the revenue accruing from said tax on firearms, shells and cartridges for Federal aid to the States for the restoration of wildlife; and

Whereas, For the present fiscal year Congress appropriated One Mil-

lion (\$1,000,000.00) Dollars of the revenues accruing from said tax and has, and is using said appropriation to aid the States in wildlife restoration; and

Whereas, It is of the utmost importance that the program of wildlife restoration which has been inaugurated in this, and other States, under the terms of the Pittman-Robertson Act, be carried forward without interruption and that the gains already made in wildlife restoration be not lost; therefore, be it

Resolved by the Senate of Texas, the House of Representatives concurring, That the Congress be, and is hereby requested, to appropriate, as authorized by the Pittman-Robertson Act, the full amount of the tax imposed by Section 610, Title IV, of the Revenue Act of 1932, on firearms, shells and cartridges, for carrying out the purpose of the Act and enabling the States to restore their wildlife as contemplated under the provisions of this Act; be it further

Resolved, That it is the desire of the Texas Legislature that our United States Senators and our Representatives in the Congress support this item in the appropriation bill; be it still further

Resolved, That the Secretary of the Senate be, and is hereby directed to send a copy of this resolution to our United States Senators and Representatives in the Congress.

The resolution was read second time, and was adopted.

RELATIVE TO COURT OF JUDGE ROY BEAN

The Speaker laid before the House, for consideration at this time, the following resolution:

S. C. R. No. 29, Relative to Court of Judge Roy Bean.

Whereas, The history of the State of Texas is abundantly rich in the record of great deeds accomplished by her citizens; and

Whereas, It is right and proper that the memory of those who performed the feats that have so enriched our history should be cherished and revered, and the locations of the places where these deeds of renown were performed should be known to all and preserved for the honor and glory of all great Texans, all to the end that the present generation and all posterity may more fully appreciate the

greatness of those who have helped make our history, and from this appreciation develop and foster a deep and abiding loyalty to our State; and

Whereas, The late Judge Roy Bean did, during his lifetime, do and perform many memorable acts and deeds in his just, though sometimes unique, administration of "The Law West of the Pecos," in his Temple of Justice known as the "Jersey Lily" at Langtry, Texas; and

Whereas, The State Highway Department of Texas has acquired possession and ownership of the renowned and hallowed edifice wherein the law, just, but rough, and equity, fair but unbound by trite maxims, were so fearlessly and effectively dispensed by Judge Roy Bean; now, therefore, be it

Resolved by the Senate and House of Representatives concurring, That the Highway Department be requested, instructed, and directed to restore and perpetually preserve the "Jersey Lily" in all of its pristine glory to the end that the fame of the "Law West of the Pecos" may never diminish, and the legends of Judge Roy Bean and the "Jersey Lily" may ever be told and appreciated.

The resolution was read second time, and was adopted.

GRANTING CERTAIN DISTRICT JUDGE PERMISSION TO LEAVE THE STATE

The Speaker laid before the House, for consideration at this time, the following resolution:

S. C. R. No. 31, Granting Judge C. Y. Welch permission to leave the State.

Whereas, The Hon. C. Y. Welch, Judge of the Forty-sixth Judicial District of Texas, is desirous of leaving the State sometime during the years 1939 and 1940, for the purpose of attending to personal business and for taking annual vacation; therefore, be it

Resolved by the Senate of the State of Texas, the House of Representatives concurring, That the said Hon. C. Y. Welch, Judge of the Forty-sixth Judicial District of Texas, the counties composing said District being Foard, Hardeman and Wilbarger, be and he is hereby granted permission to be absent from the State of Texas at such intervals and for such time as

he may see fit and proper during the years 1939 and 1940, taking into consideration the conditions of the docket of said Court; provided that such absence from the State of Texas will not be for more than four weeks during any one year.

The resolution was read second time, and was adopted.

RELATIVE TO CERTAIN RADIO BROADCAST

Mr. Howard offered the following resolution:

H. S. R. No. 205, Relative to certain radio broadcast.

Whereas, Hon. Elliott Roosevelt, President of the Texas State Network, has advised the House of Representatives through its Speaker, that he has set aside two quarter hour periods per week on his network, to be known as a Legislative Forum; and

Whereas, This time is to be available for legislators and other State officials for discussion of problems pertinent to State affairs; and

Whereas, In making this offer, Mr. Roosevelt is making it possible for the citizens of the State to hear first hand and impartially, the problems that confront the lawmaking body as well as the other branches of government; and

Whereas, It is believed in thus having this opportunity to acquaint the citizens with all phases of the governmental problem, that a frank discussion of these problems by those who are informed on these matters will tend toward the solving of some of these problems and be a forward step in our State government; now, therefore, be it

Resolved by the House of Representatives, That the Hon. Elliott Roosevelt be commended for this generous offer and that a copy of this resolution be forwarded him by the Chief Clerk of the House as an expression of appreciation.

HOWARD,
BOND.

The resolution was read second time, and was adopted.

(Mr. Morris in the Chair.)

Mr. Thornton moved to reconsider the vote by which the resolution was adopted.

Mr. Howard moved to table the motion to reconsider.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table was lost by the following vote:

Yeas—36

Allison	Howard
Bailey	Howington
Baker	Hunt
of Fort Bend	Kern
Baker of Grayson	Kersey
Bell	Langdon
Bond	Lock
Boyd	Loggins
Bradbury	Mays
Bray	Oliver
Burney	Ragsdale
Corry	Reader of Bexar
Daniel	Reader of Erath
Fielden	Smith of Frio
Galbreath	Thornberry
Gordon, Mrs.	Vint
Hale	Waggoner
Harp	Weldon
Holland	

Nays—94

Allen	Harper
Alsup	Harrell of Bastrop
Blankenship	Harrell of Lamar
Boyer	Hartzog
Bradford	Heflin
Bridgers	Hull
Broadfoot	Isaacks
Brown of Cherokee	Johnson of Ellis
Brown of Nacogdoches	Johnson of Tarrant
Burkett	Kennedy
Celaya	Kerr
Chambers	Kinard
Clark	King
Cleveland	Lehman
Cockrell	Leonard
Coleman	Leyendecker
Colquitt	Little
Cornett	London
Crossley	McAlister
Davis of Jasper	McDaniel
Davis of Upshur	McDonald
Dickison	McFarland
Dickson	McMurry
Dwyer	McNamara
Faulkner	Mohrmann
Felty	Montgomery
Ferguson	Newell
Fuchs	Nicholson
Gilmer	Pace
Goodman	Petsch
Hamilton	Pevehouse
Hankamer	Piner
Hardeman	Reaves
Hardin	Reed
	Rhodes

Riviere	Stoll
Roach	Talbert
Roberts	Tarwater
Robinson	Taylor
Russell	Tennant
Segrist	Thornton
Shell	Turner
Skiles	Vale
Smith of Hopkins	Voigt
Smith	Westbrook
of Matagorda	Wilson
Spencer	Wood
Stinson	Wright

Absent

Bundy	Monkhouse
Cauthorn	Morris
Colson, Mrs.	Pope
Dean	White
Derden	Winfree
Keith	

Absent—Excused

Anderson	Schuenemann
Donaghey	Wells
Dowell	Worley
Harris	

Question then recurring on the motion to reconsider, it prevailed.

Mr. Thornton moved that the resolution be referred to the Committee on Appropriations.

Mr. Dean moved, as a substitute motion, that the resolution be referred to the Committee on State Affairs.

The substitute motion by Mr. Dean prevailed.

(Speaker in the Chair.)

MESSAGE FROM THE SENATE

Austin, Texas, April 4, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has granted the request of the House for a Conference Committee to adjust the differences between the two Houses on House Bill No. 374.

The following have been appointed on the part of the Senate: Senators Nelson, Cotten, Burns, Lanning and Metcalfe.

The Senate has adopted

H. C. R. No. 80, Recalling Senate Concurrent Resolution No. 21 from the Governor's office.

Passed

S. B. No. 9, A bill to be entitled "An Act providing that there shall hereafter be paid out of the revenue

of this State, on the last day of each month, to each actual bona fide citizen of this State over the age of sixty-five years the sum of Fifteen (\$15.00) Dollars per month as old age assistance, providing that no habitual criminal, and no habitual drunkard, while such habitual drunkard, and no inmate of any State supported institution, while such inmate, shall be eligible for such old age assistance, and declaring an emergency."

Respectfully,

BOB BARKER,

Secretary of the Senate.

ADDITIONAL SIGNER OF HOUSE JOINT RESOLUTION NO. 1

Mr. Smith of Frio was authorized to sign House Joint Resolution No. 1, as co-author of same.

HOUSE JOINT RESOLUTION NO. 1 ON SECOND READING

The Speaker laid before the House, on its second reading,

H. J. R. No. 1, Proposing to amend the Constitution of the State of Texas by adding a new Section to be known as Section 30-b of Article 16 of the Constitution providing four-year terms of office for all precinct, county, district and State offices at elections to be held in 1940; amending Sections 1 and 2 of Article 4 of the Constitution of the State of Texas; providing method of financing alternate primaries; providing for elections by home rule and incorporated cities and towns to hold elections regarding four-year terms for city officials; providing for elections on two (2) questions of adoption or rejection of said amendments, and making an appropriation therefor.

The resolution was read second time.

Mr. Talbert offered the following committee amendment to the resolution:

Strike out everything below the resolving clause, and substitute therefor the following:

"Section 1. That the Constitution of the State of Texas is hereby amended by adding a new Section to Article 16, to be known as Section 30c, which shall read as follows:

"Sec. 30-C. All elective State, district, county and precinct officers of the State of Texas, save and except such officers whose terms of office

are fixed by the Constitution at a longer term of years, shall be elected for a term of four years.

"Authority is hereby granted to all incorporated cities and towns within the State of Texas to fix the terms of their several elective officers at not more than four (4) years by means of elections for such purposes.

"That terms of all Members of the Senate of the State of Texas expiring on the first day of January, 1941, shall be automatically extended for a period of two (2) years.

"No person elected to the office of Governor shall be permitted to succeed himself as Governor.

"All provisions of the Constitution in conflict with the provisions of this amendment are hereby repealed to the extent as the conflict exists.

"Sec. 2. The Legislature of the State of Texas shall authorize the several County Commissioners Courts of the State to finance in whole or in part the holding of primary elections for political parties in the State having a primary election under the Constitution, as authorized by the laws of this State.

"Sec. 3. The foregoing Constitutional amendment shall be submitted to the qualified voters of the State at an election held on the fourth Saturday in August, by means of the ballot hereinafter set out, and in the event the majority of votes cast at the polls on such election are in favor of the amendment, then this amendment shall be declared adopted and in full force and effect, and immediately become a part of the Constitution. The ballot shall have printed thereon the following words:

"For the amendment to the Constitution fixing at four years the terms of office for State, District, County and Precinct officers; granting to incorporated cities and towns the authority to fix the several elective terms of office at four years.

"Against the amendment to the Constitution fixing at four years the terms of office for the State, District, County and Precinct officers; granting to incorporated cities and towns the authority to fix the several elective terms of office at four years.

"Sec. 4. The sum of Five Thousand Dollars, or so much thereof as may be necessary, is hereby appropriated out of the State Treasury to pay ex-

penses of said publications and election."

(Mr. Morris in the Chair.)

Mr. McDonald offered the following amendment to the committee amendment:

Amend committee amendment No. 1 to House Joint Resolution No. 1, by deleting lines 35, 36 and 37 from page 1 of said printed House Joint Resolution.

Mr. Stinson offered the following substitute for the amendment by Mr. McDonald:

Amend House Joint Resolution No. 1, line 36, page 1, by striking out the figures "1941", and insert in lieu thereof, the figures "1943".

STINSON,
TALBERT.

Mr. McDonald moved to table the substitute amendment.

The motion to table was lost.

Question recurring on the substitute amendment, by Mr. Stinson, it was adopted.

Mr. McDonald offered the following amendment to the committee amendment:

Amend committee amendment No. 1 to House Joint Resolution No. 1, by striking out the resolving clause.

Mr. Hankamer raised a point of order, on further consideration of the amendment by Mr. McDonald, at this time, on the ground that the amendment is not properly drawn.

The Chair sustained the point of order.

Mr. McDonald raised a point of order, on further consideration of the amendment by Mr. Stinson, on the ground that the amendment is not a proper substitute for the amendment offered by himself.

The Chair overruled the point of order.

(Speaker in the Chair.)

Mr. McDonald moved to table House Joint Resolution No. 1.

The motion to table was lost.

Question—Shall the amendment by Mr. McDonald, as substituted, be adopted?

SENATE BILL ON FIRST READING

The following Senate bill, received from the Senate today, was laid before the House, read first time, and

referred to the appropriate committee, as follows:

Senate Bill No. 9, to the Committee on Appropriations.

BILL AND RESOLUTION SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof, and their captions had been read severally, the following enrolled bill and resolution:

H. C. R. No. 80, Recalling Senate Concurrent Resolution No. 21 for further consideration.

H. B. No. 474, "An Act to fix the salary of the Superintendent of Public Instruction in counties having a population of not less than twenty-two thousand, one hundred (22,100) nor more than twenty-two thousand, six hundred (22,600), according to the last preceding Federal Census, repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

RECESS

Mr. Allison moved that the House recess until 7:30 o'clock p. m., today.

Mr. Rhodes moved that the House adjourn until 10:00 o'clock a. m., tomorrow.

Mr. McFarland moved that the House recess until 2:00 o'clock p. m., today.

Mr. Fielden moved that the House recess until 2:30 o'clock p. m., today.

The motion of Mr. Fielden prevailed, and the House, accordingly, at 12:05 o'clock p. m., took recess until 2:30 o'clock p. m., today.

AFTERNOON SESSION

The House met at 2:30 o'clock p. m., and was called to order by the Speaker.

LEAVE OF ABSENCE GRANTED (By unanimous consent)

Mr. Burney was granted leave of absence for this afternoon, on account of important business, on motion of Mr. Bray.

CONSIDERATION OF HOUSE JOINT RESOLUTION NO. 1

The House resumed consideration of pending business, same being House Joint Resolution No. 1, Proposing an

amendment to the Constitution providing for four year term of office for certain State officials, etc.

The resolution having been read second time, on this morning, with committee amendment by Mr. Talbert, and amendment by Mr. McDonald, as substituted, to the committee amendment, pending.

Mr. McDonald and Mr. Stinson withdrew the pending amendments to the committee amendment.

Mr. Kennedy offered the following amendment to the committee amendment:

Amend committee amendment No. 1 to House Joint Resolution No. 1, by striking out lines 35, 36, and 37, and inserting in lieu thereof, the following:

"That all Members of the Senate of the State of Texas, whose terms expire on the first day of January, 1943, shall be elected for six (6) years and after the expiration of this six (6) year term, thereafter they shall hold office for four (4) years."

KENNEDY,
STINSON,
TALBERT.

The amendment to the committee amendment was adopted.

Mr. Fielden moved the previous question, on the pending committee amendment, and the resolution, and the main question was ordered.

The committee amendment, as amended, was then adopted.

House Joint Resolution No. 1 was then passed to engrossment by the following vote:

Yeas—93

Allison	Colquitt
Alsup	Cornett
Baker	Corry
of Fort Bend	Daniel
Baker of Grayson	Davis of Upshur
Blankenship	Dean
Boyd	Derden
Boyer	Dickison
Bradford	Dickson
Brown of Cherokee	Dwyer
Bundy	Felty
Burney	Ferguson
Cauthorn	Fielden
Celaya	Fuchs
Clark	Galbreath
Cleveland	Gilmer
Cockrell	Gordon, Mrs.
Coleman	Hale

Hamilton	Nicholson
Hankamer	Oliver
Harp	Petsch
Harper	Pevehouse
Harrell of Bastrop	Piner
Harrell of Lamar	Reader of Bexar
Hartzog	Reaves
Holland	Rhodes
Hull	Riviere
Johnson of Tarrant	Robinson
Kennedy	Russell
Kerr	Segrist
Kinard	Shell
King	Skiles
Langdon	Smith of Frio
Lehman	Smith
Leonard	of Matagorda
Leyendecker	Stinson
Little	Stoll
Lock	Talbert
Mays	Tarwater
McAlister	Tennant
McDaniel	Thornberry
McFarland	Thornton
McMurry	Turner
McNamara	Vale
Mohrmann	Vint
Monkhouse	Wilson
Morris	Wood
Newell	

Nays—36

Allen	Keith
Bailey	Kern
Bradbury	Kersey
Bray	London
Bridgers	McDonald
Broadfoot	Montgomery
Brown	Pace
of Nacogdoches	Pope
Burkett	Reader of Erath
Chambers	Roach
Crossley	Roberts
Davis of Jasper	Smith of Hopkins
Hardeman	Spencer
Hardin	Taylor
Howard	Waggoner
Howington	Weldon
Hunt	Winfree
Isaacks	Wright
Johnson of Ellis	

Absent

Bell	Loggins
Bond	Ragsdale
Colson, Mrs.	Reed
Faulkner	Voigt
Goodman	Westbrook
Heflin	White

Absent—Excused

Anderson	Dowell
Donaghey	Harris

Schuenemann	Worley
Wells	

REASON FOR VOTE

I cannot conscientiously support a bill which will change our traditional system of "checks and balances" by electing Senators and Representatives both for four-year terms. The people desire to choose their Representatives every two years and I have therefore voted "no" on this bill.

SPENCER.

MOTION TO PLACE HOUSE BILL NO. 908 ON SECOND READING

Mr. Wright moved that all necessary Rules be suspended, for the purpose of taking up, and considering, at this time, House Bill No. 908.

The motion was lost by the following vote (not receiving the necessary two-thirds vote):

Yeas—84

Alsup	Howington
Bailey	Hunt
Baker of Grayson	Isaacks
Bell	Keith
Boyd	Kennedy
Bradbury	Kern
Bridgers	Kersey
Broadfoot	King
Brown of Cherokee	Langdon
Brown	Lehman
of Nacogdoches	Leyendecker
Burney	Lock
Cauthorn	London
Chambers	McDaniel
Cleveland	McDonald
Cockrell	McNamara
Coleman	Mohrmann
Cornett	Monkhouse
Corry	Montgomery
Daniel	Morris
Davis of Jasper	Oliver
Davis of Upshur	Pace
Derden	Petsch
Dickison	Pevehouse
Ferguson	Piner
Fielden	Ragsdale
Fuchs	Reader of Bexar
Gordon, Mrs.	Reader of Erath
Hale	Reaves
Hamilton	Roach
Hardeman	Roberts
Harp	Robinson
Harper	Russell
Harrell of Bastrop	Segrist
Harrell of Lamar	Skiles
Heflin	Smith of Frio
Holland	Spencer

Stinson
Stoll
Talbert
Tennant
Thornberry
Turner

Waggoner
Weldon
Westbrook
Wilson
Wright

Nays—52

Allen
Allison
Baker
of Fort Bend
Blankenship
Boyer
Bradford
Bray
Bundy
Celaya
Clark
Colquitt
Colson, Mrs.
Dean
Dickson
Dwyer
Felty
Galbreath
Gilmer
Goodman
Hankamer
Hardin
Hartzog
Howard
Hull
Johnson of Ellis
Johnson of Tarrant

Kerr
Kinard
Leonard
Little
Loggins
Mays
McAlister
McFarland
McMurry
Newell
Nicholson
Pope
Reed
Rhodes
Riviere
Shell
Smith
of Matagorda
Tarwater
Taylor
Thornton
Vale
Vint
Voigt
White
Winfree
Wood

Absent

Bond
Burkett
Crossley

Faulkner
Smith of Hopkins

Absent—Excused

Anderson
Donaghey
Dowell
Harris

Schuenemann
Wells
Worley

MOTION TO PLACE HOUSE BILL NO. 126 ON SECOND READING

Mr. Galbreath moved that all necessary Rules be suspended, for the purpose of taking up, and considering, at this time, House Bill No. 126.

The motion was lost by the following vote (not receiving the necessary two-thirds vote):

Yeas—89

Allen
Allison
Alsup
Bailey

Baker
of Fort Bend
Baker of Grayson
Bell

Bradbury
Broadfoot
Brown of Cherokee
Brown
of Nacogdoches

Burkett
Burney
Cauthorn
Chambers
Clark
Cleveland
Cockrell
Coleman
Cornett
Corry
Crossley
Davis of Jasper
Davis of Upshur
Dean
Ferguson
Fielden
Fuchs
Galbreath
Gilmer
Hale
Hamilton
Hardeman
Hardin
Harper
Harrell of Bastrop
Harrell of Lamar
Hartzog
Heflin
Holland
Howington
Hunt
Isaacks
Johnson of Ellis
Keith
Kern
Kerr
Kersey

King
Lehman
Leonard
Leyendecker
Lock
Loggins
London
Mays
McMurry
Mohrmann
Monkhouse
Newell
Oliver
Pace
Petsch
Pevehouse
Piner
Reader of Bexar
Reader of Erath
Reaves
Rhodes
Roach
Roberts
Segrist
Skiles
Smith of Hopkins
Smith
of Matagorda
Spencer
Stinson
Stoll
Talbert
Tarwater
Tennant
Thornberry
Turner
Vint
Voigt
Weldon
Westbrook
White
Wright

Nays—48

Blankenship
Boyd
Boyer
Bradford
Bray
Bundy
Celaya
Colquitt
Colson, Mrs.
Daniel
Derden
Dickison
Dickson
Dwyer
Felty
Goodman
Gordon, Mrs.
Hankamer
Harp

Howard
Hull
Johnson of Tarrant
Kennedy
Kinard
Langdon
Little
McAlister
McDaniel
McDonald
McFarland
McNamara
Montgomery
Nicholson
Pope
Ragsdale
Reed
Riviere
Robinson

Russell	Vale
Shell	Waggoner
Smith of Frio	Wilson
Taylor	Winfree
Thornton	Wood

Absent

Bond	Faulkner
Bridgers	Morris

Absent—Excused

Anderson	Schuenemann
Donaghey	Wells
Dowell	Worley
Harris	

HOUSE JOINT RESOLUTION NO. 2 ON SECOND READING

The Speaker laid before the House, on its second reading,

H. J. R. No. 2, Proposing an amendment to Article 16, Section 49 of the Constitution of the State of Texas, by adding thereto a new Section to be known as Section 49a; "Providing that household furniture of a family shall be protected from forced sale for the payment of all debts, except for the purchase money thereof, or a part of such purchase money, the taxes due thereon or for the work and material used in the construction or repair thereof when such work or material are contracted for in writing with the consent of the wife or husband in the same manner as is required in making a sale and a conveyance of the homestead; and providing further that if the owner thereof, if a married man, shall not sell such household furniture without the consent of the wife given in such manner as may be prescribed by law; and providing further that no mortgage, trust deed, or other lien on household furniture shall ever be valid, except for the purchase money therefor, or repairs made thereon, whether such mortgage, trust deed, or other lien shall have been created by the husband alone or together with his wife, and providing further that all pretended sales of household furniture involving any condition of defeasance shall be void; providing for the necessary proclamation and appropriate funds to defray the expenses of the proclamation, publication, and election.

The resolution was read second time, and was passed by the following vote:

Yeas—124

Allen	Johnson of Ellis
Allison	Johnson of Tarrant
Alsup	Kennedy
Bailey	Kern
Baker	Kerr
of Fort Bend	Kersey
Baker of Grayson	Kinard
Bell	King
Blankenship	Langdon
Boyd	Lehman
Boyer	Leonard
Bradbury	Leyendecker
Bradford	Little
Bray	Lock
Brown	Loggins
of Nacogdoches	London
Bundy	McAlister
Burkett	McDaniel
Burney	McDonald
Cauthorn	McFarland
Chambers	McMurry
Clark	McNamara
Cleveland	Mohrmann
Cockrell	Monkhouse
Coleman	Montgomery
Colquitt	Morris
Colson, Mrs.	Newell
Cornett	Nicholson
Corry	Oliver
Crossley	Pace
Davis of Jasper	Pevehouse
Davis of Upshur	Reader of Bexar
Dean	Reader of Erath
Derden	Reaves
Dickison	Reed
Dickson	Rhodes
Dwyer	Riviere
Felty	Roach
Ferguson	Roberts
Fielden	Robinson
Fuchs	Russell
Galbreath	Segrist
Goodman	Skiles
Gordon, Mrs.	Smith of Frio
Hale	Smith of Hopkins
Hamilton	Smith
Hankamer	of Matagorda
Hardeman	Spencer
Harp	Stinson
Harper	Stoll
Harrell of Bastrop	Talbert
Harrell of Lamar	Tarwater
Hartzog	Taylor
Heflin	Tennant
Holland	Thornberry
Howard	Thornton
Howington	Turner
Hull	Vale
Hunt	Vint
Isaacks	Voigt

Waggoner	Winfree
Weldon	Wood
Westbrook	Wright
Wilson	

Nays—4

Brown of Cherokee	Keith
Hardin	Pope

Absent

Bond	Mays
Bridgers	Petsch
Broadfoot	Piner
Celaya	Ragsdale
Daniel	Shell
Faulkner	White
Gilmer	

Absent—Excused

Anderson	Schuenemann
Donaghey	Wells
Dowell	Worley
Harris	

HOUSE JOINT RESOLUTION NO. 8 ON SECOND READING

The Speaker laid before the House, on its second reading,

H. J. R. No. 8, Proposing an amendment to the Constitution of the State of Texas, to be known as Section 30b of Article 16, providing that the Legislature may enact laws creating Civil Service for State, county and municipal employees, providing rules and regulations therefor, and further providing that the limitation of the duration of office to two (2) years shall not apply to State, county or municipal Civil Service employees.

The resolution was read second time.

Mr. Kinard offered the following committee amendment to the resolution:

Amend House Joint Resolution No. 8, by striking out all above the resolving clause, and by inserting in lieu thereof, the following:

"HOUSE JOINT RESOLUTION

"A Joint Resolution proposing an amendment to the Constitution of the State of Texas to be known as Section 30b of Article 16, providing that the provisions of Article 16, Section 30 of the Texas Constitution limiting the duration of all offices not fixed by the Constitution to two (2) years, shall not apply to appointive offices of any municipal-

ities that are placed under the terms and provisions of Civil Service but the duration of such offices shall be governed by the provisions of the Civil Service Law applicable thereto. Providing for an election on the question of adoption or rejection of such amendment, making an appropriation therefor, providing for the proclamation and publication thereof, prescribing the form of ballot."

The committee amendment was adopted.

Mr. Kinard offered the following committee amendment to the resolution:

Amend House Joint Resolution No. 8, by striking out all below the resolving clause, and inserting in lieu thereof, the following:

"Section 1. That the Constitution of the State of Texas be and the same is hereby amended by adding thereto a new Section to Article 16 to be known as Section 30b which shall read as follows:

"Section 30b. Wherever by virtue of statute or charter provisions appointive offices of any municipality are placed under the terms and provisions of Civil Service and rules are set up governing appointment to and removal from such offices, the provisions of Article 16, Section 30, of the Texas Constitution limiting the duration of all offices not fixed by the Constitution to two (2) years shall not apply, but the duration of such offices shall be governed by the provisions of the Civil Service Law applicable thereto."

"Section 2. Such proposed Constitutional Amendment shall be submitted to a vote of the qualified electors of the State of Texas at a special election to be held throughout the State of Texas on the 28th day of August, 1939, at which election all voters favoring said proposed Amendment shall write or have printed on their ballots the words:

"For an Amendment to the State Constitution providing that Article 16, Section 30 of the Constitution shall not apply to appointive offices of any municipality placed under the terms and provisions of Civil Service."

"Those voters opposing said Amendment shall write or have printed on their ballots the words:

"Against the Amendment to the State Constitution providing that Article 16, Section 30 of the Constitution shall not apply to appointive offices of any municipality placed under the terms and provisions of Civil Service."

"If it appears from the returns of said election that a majority of the votes cast are in favor of the Amendment the same shall become a part of the State Constitution."

"Section 3. The Governor of the State of Texas is hereby directed to issue the necessary proclamation for said election and to have same published, as required by the Constitutional Amendment thereto."

"Section 4. The sum of Five Thousand (\$5,000.00) Dollars or so much thereof as may be necessary, is hereby appropriated out of any funds in the Treasury of the State of Texas not otherwise appropriated, to pay the expenses of such publication and election."

Mr. McAlister offered the following amendment to the committee amendment:

Amend committee amendment to House Joint Resolution No. 8, page 1, line 22, by inserting the words "or charter provisions" after the word "law" and before the word "applicable".

The amendment to the committee amendment was adopted.

Mr. Cornett offered the following amendment to the committee amendment:

Amend committee amendment of House Joint Resolution No. 8, line 15, page 1, by adding after the word "municipality" and before the word "are" the following: "or of the State of Texas".

Mr. Wood raised a point of order, on further consideration of the amendment by Mr. Cornett, on the ground that the amendment is not germane to the resolution.

The Speaker overruled the point of order.

Mr. Riviere moved to table the amendment by Mr. Cornett.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—87

Allison	Kersey
Alsup	Kinard
Bailey	Leyendecker
Baker of Grayson	Little
Blankenship	Lock
Bond	Mays
Boyer	McAlister
Bradford	McDaniel
Bridgers	McFarland
Broadfoot	McMurry
Brown of Cherokee	McNamara
Bundy	Mohrmann
Burkett	Monkhouse
Chambers	Montgomery
Clark	Oliver
Cleveland	Pace
Cockrell	Pevehouse
Colquitt	Ragsdale
Colson, Mrs.	Reader of Bexar
Corry	Reader of Erath
Crossley	Reaves
Davis of Jasper	Reed
Davis of Upshur	Rhodes
Derden	Riviere
Dickison	Roberts
Dickson	Robinson
Ferguson	Russell
Fuchs	Segrist
Galbreath	Shell
Goodman	Smith
Gordon, Mrs.	of Matagorda
Hamilton	Spencer
Hankamer	Stinson
Hardeman	Tarwater
Harper	Thornton
Harrell of Lamar	Turner
Howard	Vale
Howington	Voigt
Hull	Waggoner
Hunt	Weldon
Johnson of Ellis	Westbrook
Johnson of Tarrant	Wilson
Kennedy	Winfree
Kerr	Wood

Nays—35

Allen	Hale
Baker	Hardin
of Fort Bend	Harp
Bell	Harrell of Bastrop
Boyd	Holland
Bradbury	Keith
Bray	Kern
Cauthorn	King
Coleman	Langdon
Cornett	Lehman
Daniel	London
Felty	Nicholson
Gilmer	Petsch

Piner	Tennant
Roach	Thornberry
Skiles	Vint
Stoll	White
Taylor	Wright

Present—Not Voting

Brown
of Nacogdoches

Absent

Celaya	Loggins
Dean	McDonald
Dwyer	Morris
Faulkner	Newell
Fielden	Pope
Hartzog	Smith of Frio
Heflin	Smith of Hopkins
Isaacks	Talbert
Leonard	

Absent—Excused

Anderson	Harris
Burney	Schuenemann
Donaghey	Wells
Dowell	Worley

(Pending consideration of the committee amendment, Mr. Thornton occupied the Chair, temporarily.)

(Speaker in the Chair.)

Mr. Russell moved the previous question, on the committee amendment, and the resolution, and the main question was ordered.

Question first recurring on the committee amendment, as amended, it was adopted.

House Joint Resolution No. 8 was then passed by the following vote:

Yeas—113

Allen	Cleveland
Baker	Cockrell
of Fort Bend	Coleman
Baker of Grayson	Colquitt
Bell	Colson, Mrs.
Blankenship	Cornett
Bond	Corry
Boyd	Crossley
Boyer	Daniel
Bradbury	Davis of Jasper
Bradford	Derden
Bray	Dickison
Bridgers	Dwyer
Brown of Cherokee	Felty
Brown	Ferguson
of Nacogdoches	Fielden
Bundy	Goodman
Burney	Gordon, Mrs.
Cauthorn	Hale
Celaya	Hamilton
Clark	Hankamer

Hardeman	Newell
Harp	Nicholson
Harper	Oliver
Harrell of Lamar	Petsch
Hartzog	Piner
Heflin	Reader of Bexar
Holland	Reader of Erath
Howard	Reaves
Hull	Reed
Hunt	Riviere
Isaacks	Roach
Johnson of Ellis	Robinson
Johnson of Tarrant	Russell
Keith	Segrist
Kennedy	Skiles
Kerr	Smith of Frio
Kersey	Smith of Hopkins
Kinard	Spencer
King	Stinson
Langdon	Stoll
Lehman	Talbert
Leonard	Tarwater
Little	Taylor
Lock	Tennant
Loggins	Thornberry
London	Thornton
Mays	Turner
McAlister	Vale
McDaniel	Vint
McDonald	Waggoner
McFarland	Weldon
McMurry	Westbrook
McNamara	White
Mohrmann	Wilson
Monkhouse	Winfree
Montgomery	Wood
Morris	

Nays—21

Allison	Hardin
Alsup	Harrell of Bastrop
Bailey	Howington
Broadfoot	Kern
Burkett	Leyendecker
Chambers	Pace
Davis of Upshur	Pevhouse
Dickson	Pope
Fuchs	Rhodes
Galbreath	Roberts
Gilmer	

Present—Not Voting

Smith
of Matagorda

Absent

Dean	Shell
Faulkner	Voigt.
Ragsdale	Wright

Absent—Excused

Anderson	Schuenemann
Donaghey	Wells
Dowell	Worley
Harris	

Mr. McAlister moved to reconsider the vote by which the resolution was passed, and to table the motion to reconsider.

The motion to table prevailed.

HOUSE JOINT RESOLUTION NO. 27 ON SECOND READING

The Speaker laid before the House, on its second reading,

H. J. R. No. 27, Proposing an amendment to Section 51-b of Article III of the Constitution of Texas levying a three (3%) per cent sales tax for the creation of a fund to pay old age pensions and benefits and to be used and disbursed for such other things and purposes in the manner and proportion herein set forth fixing and determining the rate of such tax and the method of its collection and disbursement, and making an appropriation to pay the necessary expenses for advertising and submitting this amendment.

The resolution was read second time.

Mr. Derden raised a point of order, on further consideration of the resolution, on the ground that the House and Senate have previously defeated a similar measure.

The Speaker overruled the point of order.

Mr. Hardin offered the following amendment to the resolution:

Amend House Joint Resolution No. 27, by striking out all above and below the enacting clause, and inserting in lieu thereof, the following:

"A JOINT RESOLUTION

Proposing an Amendment to Article III of the Constitution of the State of Texas by adding a new Section to be known as Section 51-E, assigning to the Social Security Fund herein created a portion of the revenue now being collected from and which hereafter may be collected from the sale of cigarettes, liquor, wine and beer, levying gross receipts taxes upon persons and corporations lending money and/or credit, also levying gross receipt taxes on wholesale and retail merchants and severance taxes upon those producing sulphur, natural gas and oil, providing that all of the revenues from the sources above specified shall be used to pay old age assistance, and enable the

State to meet its obligations to destitute children, needy blind and teachers' retirement; authorizing the Legislature by General Law to provide for the collection of the taxes herein levied and for the general administration of the provisions of this amendment.

Be It Resolved by the Legislature of the State of Texas:

Section 1. That Article III of the Constitution of the State of Texas is hereby amended by adding thereto a new Section to be known as Section 51-E as follows:

"Section 51-E. 1. Money derived from the taxes herein levied shall be used exclusively for the following purposes:

(a) Old age assistance as authorized in Section 51-B of Article III of the Constitution.

(b) For assistance of the needy blind as authorized in Section 51-C of Article III of the Constitution.

(c) For the assistance of destitute children as authorized in Section 51-D of Article III of the Constitution.

(d) For the payment of the State's contribution to the Teachers' Retirement Fund as authorized in Section 48-A of Article III of the Constitution.

2. Beginning September 1st, 1939, all persons engaged in the retail business in this State shall pay a tax equal to one (1%) per cent of the total cash gross receipts of such business, and all persons engaged in the wholesale business shall pay a tax equivalent to one-fourth of one ($\frac{1}{4}$ of 1%) per cent of the total cash gross receipts of such business and all persons engaged in the business of lending money or credit shall pay a tax equal to one-tenth of one ($\frac{1}{10}$ of 1%) per cent on their gross income. Provided, however, that in each of the above cases the taxpayer shall be exempt from paying any tax on the first Twenty-five Thousand (\$25,000.00) Dollars gross receipts received during any one tax year. All such taxes shall be paid by the merchant or the lending agency and shall not be passed on to the buyer or the borrower.

3. No tax shall be levied upon the cash gross receipts derived from the following sales: goods, wares and merchandise sold to the Government

of the United States and its agencies; goods, wares and merchandise sold to the State of Texas and its agencies and to the various counties, districts and municipalities of this State and their agencies; sales at retail in interstate and foreign commerce only to the extent that the same are free from taxation under the Constitution of the United States of America; newspapers and magazines; all dairy products, when such products are purchased from farmers, processors, distributors, and other persons engaged exclusively in the production, processing, distribution and sale of dairy products; the first sale by the producer of all horticultural, live stock and poultry products; sales of any commodity or service on which the seller now pays an occupation tax measured by gross receipts equivalent to one per cent (1%) or more of the sale price.

The taxpayer shall report the gross amounts received from each class of sales described in this Section, but shall not be required to pay a tax thereon under this Act.

4. The following words, terms and phrases as used in this amendment are hereby defined as follows:

(a) "Person" shall mean and include every individual, firm, association, joint stock company, syndicate, co-partnership, corporation, trustee, agency and receiver and every other legal entity, natural or artificial.

(b) "Comptroller" shall mean the Comptroller of Public Accounts of the State of Texas.

(c) The term "tax year" shall mean either the calendar year or the taxpayers' fiscal year when permission is obtained from the Comptroller to use the same as the tax period in lieu of the calendar year.

(d) The term "cash gross receipts" means the total amount of money received in the regular course of business for tangible personal property sold by any person engaged in the retail business or the wholesale business.

(e) The term "business" when used in this Act shall include all activities or acts engaged in or caused to be engaged in with the object of gain, benefit or advantage, either direct or indirect.

(f) The term "retail sale" means the sale or transfer of tangible personal property for a valuable consid-

eration, when such transfer is made by one in the ordinary course of his business and the sale is made for consumption or use, or for any purpose other than for resale, or for use in processing, manufacturing or industrial enterprises. The term "sale at retail" or "retail sale" shall not include the isolated or occasional sale of tangible personal property by a person not engaging in the retail business.

(g) "Retail business" means engaging in the business of making retail sales.

(h) The term "wholesale" shall mean the sale of tangible personal property to persons for the purpose of resale, and for the purpose of being used or consumed by manufacturers, processors and industries.

5. (a) Each person who owns, controls, manages, leases or operates, any sulphur mine, or mines, well or shafts, or who produces sulphur by any method, system, or manner within this State shall pay a severance tax of thirty-three and one-third (33-1/3c) cents per long ton, or fraction thereof, of all sulphur so produced within the State.

(b) A severance tax equivalent to one per cent (1%) of the market value of the total amount of gas produced and saved within this State is hereby levied.

(c) There is hereby levied a severance tax on all oil produced within this State of one (1) cent per barrel of forty-two (42) standard gallons, said tax shall be computed upon the total barrels of oil produced or salvaged from the earth or waters of this State without any deductions; provided, however, that the severance tax herein levied on oil shall be one per cent (1%) of the market value of said oil whenever the market value thereof is in excess of One Dollar (\$1) per barrel of forty-two (42) standard gallons.

(d) Severance taxes herein imposed shall be paid to the Comptroller of this State; said taxes shall be the liability of the producer and such taxes shall be borne ratably by all interested parties including royalty owners. The provisions of the existing law providing for severance taxes on oil, gas and sulphur with reference to paying such taxes, the records to be kept and reports to be made in regard thereto, and all other admin-

istrative provisions of said law, shall apply and be followed in the enforcement and collection of the severance taxes herein levied.

6. On and after January 1, 1940, two-thirds of all tax revenue derived in this State from the sale of cigarettes, and three-fourths of all tax revenue derived in this State from the sale of liquor, wine and beer shall be credited to the Social Security Account.

7. The Legislature shall have the authority to accept from the Government of the United States such financial aid for old age assistance, care of dependent children, aid to the blind, as that Government may offer not inconsistent with the limitations and provisions of this amendment.

8. The Legislature shall by general law provide for the collection of the taxes herein levied and the revenue derived from such taxes shall be used by the Legislature for the purposes specified in paragraphs (a), (b), (c) and (d), Subsection (1) of Section 51-E and no other taxes shall ever be levied for these purposes nor shall the Legislature ever make appropriations for these purposes out of any funds other than the funds set up in this amendment created from the taxes herein levied.

9. All of the revenue derived from all of the taxes herein levied shall, when collected, be deposited in the State Treasury to the credit of the account to be known as "Social Security Account" and when so deposited shall be paid out only upon Legislative appropriation for the purposes herein stated.

10. The amount of Old Age Assistance granted to a person otherwise eligible to receive such assistance shall be granted on a basis of need and the term "person who is in need" as used in this Section is hereby defined to mean a person who does not have a net income of Thirty (\$30) Dollars per month. The amount of Old Age Assistance granted by the State shall in each case be such an amount as when added to the net income of the person, together with any amount which may be granted by the Federal Government, will equal Thirty (\$30) Dollars per month, provided that in no case shall the amount to be paid out of State Funds exceed Fifteen (\$15) Dollars per month. In determining need the ability of children, or other

relatives, to assist in supporting applicants for assistance shall never be taken into consideration and the term "net income" as used above is hereby defined to mean the total amount received in money or its equivalent from personal labor, wages, salaries, interest, dividends, rentals and bequests, less actual business expense incurred in earning such income and taxes actually paid thereon; but "net income" shall not include the rental value of the home of the recipient where said rental does not exceed Fifteen (\$15) Dollars per month, nor shall it include the value of agricultural, livestock, dairy and poultry products produced and consumed by the recipient on the premises; provided, however, that as to real property the income therefrom shall be the net rents received and which shall remain after deducting all taxes paid on such real property for the same period covered by such rents, all insurance premiums paid thereon but prorated for the same period covered by such rents, and the amount actually paid for repairs made to such real property during the same period covered by such rents; provided further that in determining income from real property no deductions shall be made on account of depreciation of the value of such real property.

11. The Legislature shall appropriate the funds which accrued in the "Social Security Account" in the Treasurer's office so as to care for the State's obligation to the needy blind as authorized in Section 51-C of Article 3 of this Constitution and for assistance of destitute children as authorized in Section 51-B of Article 3 of this Constitution as well as for the payment of the State's contribution to Teacher Retirement Fund as authorized in Section 48-A of Article 3 of this Constitution and the remaining amount left in said Social Security Account shall be appropriated for the purpose of providing for Old Age Assistance as authorized in Section 51-B of Article 3 of this Constitution and as authorized in this amendment, provided that in case the amount of money in the Social Security Account is not adequate to meet in full all of the purposes above referred to then in that event all appropriations shall be reduced sufficiently so as to prevent a deficit occurring in said Social Security Account. Neither the State nor any of its agents shall be

liable in any way to any recipient for any deficit if at any time the funds currently available in the Social Security Account are not adequate to meet legislative appropriations made from said account for the benefit of recipients, nor shall any provision hereof providing for Old Age Assistance be construed as a vested right in the recipient of old age assistance.

Sec. 2. Said proposed Constitutional amendment shall be submitted to a vote of the qualified electors of this State at a special election to be held throughout the State on the first Saturday in July, 1939, at which election all voters favoring such proposed amendment shall write or have printed on their ballots the words:

"For the amendment to the State Constitution providing a system of Old Age Assistance, levying taxes for the payment of such Old Age Assistance and providing a source of revenue for the payment of Destitute Children's Assistance, Needy Blind Assistance, and Teachers' Retirement Benefits."

And all those opposed shall write or have printed on their ballots the words:

"Against the amendment to the State Constitution providing a system of Old Age Assistance, levying taxes for the payment of such Old Age Assistance and providing a source of revenue for the payment of Destitute Children's Assistance, Needy Blind Assistance, and Teachers' Retirement Benefits."

Sec. 3. The Governor of the State of Texas is hereby directed to issue the necessary proclamation for said election and have same published as required by the Constitution and Laws of this State.

The sum of Ten Thousand (\$10,000) Dollars or so much thereof as may be necessary is hereby appropriated out of any funds in the Treasury of this State not otherwise appropriated to pay the expenses of such publication and election."

HARDIN,
PETSCH,
JOHNSON of Ellis,
FIELDEN.

Mr. Hartzog moved that House Joint Resolution No. 27, be recommitted to the Committee on Constitutional Amendments.

Mr. Hardin moved to table the motion to recommit.

The motion to table prevailed.

Mr. Derden moved to table House Joint Resolution No. 27.

(Pending consideration of the motion to table, Mr. Leonard occupied the Chair, temporarily.)

(Speaker in the Chair.)

Question recurring on the motion to table House Joint Resolution No. 27, yeas and nays were demanded.

The motion to table was lost by the following vote:

Yeas—57

Baker	King
of Fort Bend	Langdon
Baker of Grayson	Mays
Bell	McDaniel
Blankenship	Mohrmann
Boyd	Montgomery
Bridgers	Morris
Brown	Newell
of Nacogdoches	Nicholson
Cauthorn	Piner
Colquitt	Reader of Bexar
Cornett	Reader of Erath
Corry	Reaves
Daniel	Reed
Davis of Upshur	Roach
Derden	Robinson
Dickison	Segrist
Fuchs	Skiles
Galbreath	Smith of Frio
Gordon, Mrs.	Smith
Hale	of Matagorda
Hamilton	Stinson
Hardeman	Tarwater
Harp	Thornberry
Harrell of Bastrop	Vint
Heflin	Waggoner
Hunt	Weldon
Isaacks	White
Keith	Winfree
Kern	Wright

Nays—78

Allen	Cockrell
Allison	Coleman
Alsup	Crossley
Bailey	Davis of Jasper
Bond	Dickson
Boyer	Dwyer
Bradbury	Felty
Bradford	Ferguson
Bray	Fielden
Broadfoot	Gilmer
Brown of Cherokee	Goodman
Bundy	Hankamer
Burkett	Hardin
Celaya	Harper
Chambers	Harrell of Lamar
Clark	Hartzog
Cleveland	Holland

Howard	Pace
Howington	Petsch
Hull	Pevehouse
Johnson of Ellis	Pope
Johnson of Tarrant	Ragsdale
Kennedy	Rhodes
Kerr	Riviere
Kersey	Roberts
Kinard	Russell
Lehman	Shell
Leonard	Smith of Hopkins
Leyendecker	Spencer
Little	Stoll
Lock	Taylor
Loggins	Tennant
London	Thornton
McAlister	Turner
McDonald	Vale
McFarland	Voigt
McMurry	Westbrook
McNamara	Wilson
Oliver	Wood

Absent

Colson, Mrs.	Monkhouse
Dean	Talbert

Faulkner

Absent—Excused

Anderson	Harris
Burney	Schuenemann
Donaghey	Wells
Dowell	Worley

Mr. Fielden moved that further consideration of House Joint Resolution No. 27 be postponed until 10:30 o'clock a. m., next Tuesday, April 11.

Mr. Riviere moved, as a substitute motion, that further consideration of House Joint Resolution No. 27 be postponed until next May 2.

Mr. Lehman moved to table the substitute motion.

The motion to table prevailed.

Question then recurring on the motion to postpone further consideration of House Joint Resolution No. 27 until 10:30 o'clock a. m., next Tuesday, April 11, it prevailed.

MOTION TO PLACE HOUSE BILL NO. 525 ON SECOND READING

Mr. White moved that all necessary Rules be suspended, for the purpose of taking up, and considering, at this time, House Bill No. 525.

The motion was lost by the following vote:

Yeas—62

Allen	Baker of Grayson
Bailey	Bond

Boyd	Kennedy
Bradbury	Kern
Bridgers	Kersey
Broadfoot	Langdon
Brown of Cherokee	Lehman
Brown	Lock
of Nacogdoches	London
Chambers	McDaniel
Cockrell	McDonald
Cornett	Mohrmann
Corry	Morris
Daniel	Newell
Davis of Jasper	Oliver
Davis of Upshur	Reader of Erath
Derden	Reaves
Ferguson	Rhodes
Fuchs	Roach
Gordon, Mrs.	Russell
Hale	Skiles
Hamilton	Spencer
Hardeman	Stoll
Hardin	Thornberry
Harp	Turner
Harrell of Bastrop	Vint
Harrell of Lamar	Voigt
Holland	Weldon
Howington	Westbrook
Isaacks	White
Johnson of Tarrant	Wright
Keith	

Nays—68

Allison	Johnson of Ellis
Alsup	Kerr
Baker	Kinard
of Fort Bend	King
Bell	Leonard
Blankenship	Leyendecker
Boyer	Little
Bradford	Loggins
Bray	Mays
Bundy	McAlister
Burkett	McFarland
Cauthorn	McMurry
Celaya	Monkhouse
Clark	Montgomery
Cleveland	Nicholson
Coleman	Pace
Colquitt	Petsch
Colson, Mrs.	Pevehouse
Crossley	Pope
Dickison	Ragsdale
Dickson	Reader of Bexar
Dwyer	Reed
Felty	Riviere
Fielden	Roberts
Galbreath	Robinson
Hankamer	Segrist
Hartzog	Shell
Heflin	Smith of Frio
Howard	Smith of Hopkins
Hull	Smith
Hunt	of Matagorda

Stinson	Thornton
Tarwater	Vale
Taylor	Winfree
Tennant	Wood

Absent

Dean	McNamara
Faulkner	Piner
Gilmer	Talbert
Goodman	Waggoner
Harper	Wilson

Absent—Excused

Anderson	Harris
Burney	Schuenemann
Donaghey	Wells
Dowell	Worley

HOUSE JOINT RESOLUTION NO. 21 ON SECOND READING

The Speaker laid before the House, on its second reading,

H. J. R. No. 21, Proposing an amendment to the Constitution of the State of Texas, by amending Section 19 of Article 16, so as to provide that the qualification of no person to serve as a juror shall be denied or abridged on account of sex; and by amending Sections 13, 17 and 29 of Article 5 so as to provide that grand and petit juries in the District Courts shall consist of twelve (12) persons, and in the County Court of six (6) persons; providing for the submission of this amendment to a vote of the people of Texas; providing the time, means and manner thereof, and making an appropriation for such purpose.

Mr. Petsch raised a point of order, on further consideration of House Joint Resolution No. 21, on the ground that the Senate has heretofore defeated an identical measure.

The Speaker sustained the point of order.

MESSAGE FROM THE SENATE

Austin, Texas, April 4, 1939.
Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House the Senate has passed the following:

S. B. No. 54, A bill to be entitled "An Act amending Article 2654 of the Revised Civil Statutes of 1925, as amended by Chapter 52, of the Acts of the Second Called Session of the Forty-first Legislature, by adding

thereto a new Article, to be known as Article 2654e, authorizing and directing the governing boards of the several institutions of collegiate rank, supported in whole or in part by public funds appropriated from the State Treasury, to except and exempt certain students from other Nations of this Continent from the payment of all dues, fees and charges, and declaring an emergency."

S. B. No. 70, A bill to be entitled "An Act to amend Article 2007 of the Revised Statutes relating to plea of privilege by adding thereto a provision that such plea shall not be construed to embrace any of the matters set forth in Article 2010, Revised Statutes, unless specifically alleged in such plea; repealing conflicting law, except that this amendment shall apply in subsequently filed suits only, and declaring an emergency."

S. B. No. 117, A bill to be entitled "An Act amending Article 2665 of the Revised Civil Statutes of the State of Texas, Acts, Second Called Session, 1909, page 432."

S. B. No. 205, A bill to be entitled "An Act relating to insurance and making it unlawful to engage in the insurance business in Texas, unless same is expressly authorized by the laws of this State; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

S. J. R. No. 4, Proposing an amendment to Article V of the Constitution of the State of Texas; etc.

S. C. R. No. 18, Granting permission to John Bagwell and wife to sue the State.

Respectfully,

BOB BARKER,

Secretary of the Senate.

MOTION TO PLACE HOUSE BILL NO. 908 ON SECOND READING

Mr. Wright moved that all necessary Rules be suspended, for the purpose of taking up, and considering, at this time, House Bill No. 908.

The roll of the House was called, and the vote announced, as follows: Yeas, 81; Nays, 47.

A verification of the vote was requested.

Mr. Morris moved a call of the House, pending the verification, and the call was duly ordered.

The roll of the "yeas" and "nays" was again called, and the verified vote resulted, as follows:

Yeas—83

Allen	Kennedy
Alsup	Kern
Bailey	Kersey
Baker of Grayson	King
Bell	Langdon
Bond	Lehman
Boyd	Lock
Bradbury	London
Bridgers	McDaniel
Brown of Cherokee	McDonald
Brown	McNamara
of Nacogdoches	Mohrmann
Cauthorn	Montgomery
Chambers	Morris
Cleveland	Oliver
Cockrell	Pace
Coleman	Petsch
Cornett	Pevehouse
Corry	Reader of Bexar
Daniel	Reader of Erath
Davis of Jasper	Reaves
Davis of Upshur	Roach
Derden	Roberts
Dickson	Robinson
Ferguson	Russell
Fielden	Segrist
Fuchs	Skiles
Gilmer	Smith of Frio
Hale	Spencer
Hamilton	Stinson
Hardeman	Stoll
Hardin	Tarwater
Harp	Tennant
Harper	Thornberry
Harrell of Bastrop	Turner
Harrell of Lamar	Vint
Heflin	Waggoner
Holland	Weldon
Howington	Westbrook
Hunt	White
Isaacks	Wilson
Keith	Wright

Nays—47

Allison	Crossley
Baker	Dickson
of Fort Bend	Dwyer
Blankenship	Galbreath
Boyer	Gordon, Mrs.
Bradford	Hankamer
Bray	Hartzog
Bundy	Howard
Burkett	Johnson of Ellis
Celaya	Johnson of Tarrant
Clark	Kinard
Colquitt	Leonard
Colson, Mrs.	Leyendecker

Little	Riviere
Loggins	Shell
Mays	Smith of Hopkins
McAlister	Smith
McFarland	of Matagorda
McMurry	Taylor
Monkhouse	Thornton
Newell	Vale
Nicholson	Voigt
Pope	Winfree
Reed	Wood
Rhodes	

Present—Not Voting

Hull

Absent

Broadfoot	Kerr
Dean	Piner
Faulkner	Ragsdale
Felty	Talbert
Goodman	

Absent—Excused

Anderson	Harris
Burney	Schuenemann
Donaghey	Wells
Dowell	Worley

The Speaker announced that the motion to suspend the Rules was lost (not receiving the necessary two-thirds vote.)

HOUSE BILLS ON FIRST READING

Mr. Heflin asked unanimous consent, to introduce, at this time, and have placed on first reading, House Bills Nos. 936 and 937.

There was no objection.

The Speaker then laid the bills before the House, they were read first time, and referred to the appropriate committees, as follows:

By Mr. Heflin:

H. B. No. 936, A bill to be entitled "An Act to validate the Civil Service status of employees of any city of two hundred and eighty-five thousand (285,000) population or more, having a system of Civil Service where such employees were employed by such city on the effective date of this Act, and where such employees did not enter the service of such city as required by the Charter of Ordinances of such city; providing that the terms of this Act shall also apply to certain discharged employees; providing that such Act shall not be construed to extend the terms of office of officers of such cities when such offices are subject to the two-year Constitutional

provision, or to validate the Civil Service status of temporary or expressly excluded employees; providing that the terms of this Act shall not be severable, and declaring an emergency."

Referred to the Committee on Municipal and Private Corporations.

By Mr. Heflin and Mr. Hardeman:

H. B. No. 937, A bill to be entitled "An Act to amend Article 7329 of the Revised Civil Statutes of the State of Texas so that the same shall read and provide as hereinafter shown, and to amend said Article by adding thereto provisions setting up methods whereby taxpayers may attack or have reviewed assessments for ad valorem taxes relating to real or personal property heretofore made or hereafter to be made against them or their properties on the grounds that such assessments are arbitrary or discriminatory or for other enumerated reasons, providing that such methods shall be exclusive of all other methods in the cases to which they apply; fixing a time for the commencements of actions under the methods so authorized and providing for a stay of proceedings in suits brought for the collection of taxes while actions brought hereunder are pending, and for procedure in suits brought for the collection of taxes after the termination of such actions in certain designated cases; limiting the defenses that may be urged in a suit brought for the collection of taxes so that the procedure hereby authorized may be followed, and providing for and requiring the making of certain described deposits in connection with such procedure and the filing of certain answers in tax suits, and for the entry and effect of judgments rendered in accordance herewith; declaring the intention of the Legislature with respect thereto, conforming the jurisdiction of the several courts of this State to the provisions hereof; repealing all laws and parts of laws in conflict herewith insofar as the same are in conflict herewith; providing that the invalidity of any part of this Act shall not affect the remaining parts thereof, which shall nevertheless continue in full force and effect; providing that if because of any constitutional inhibition this Act cannot be applied to any particular case or class of cases, the same shall

remain in force so as to apply to cases not coming within such inhibition, and declaring an emergency."

Referred to the Committee on Judiciary.

RESOLUTIONS SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof, and their captions had been read severally, the following enrolled resolutions:

S. C. R. No. 30, Authorizing the loan of certain highway equipment.

S. C. R. No. 28, Urging Congress to make certain appropriation to aid wild life in Texas.

S. C. R. No. 31, To grant certain District Judge permission to leave the State.

S. C. R. No. 29, Relative to the court of the late Judge Roy Bean.

SENATE JOINT RESOLUTION ON FIRST READING

The following Senate Joint Resolution, received from the Senate today, was laid before the House, read first time, and referred to the appropriate committee, as follows:

Senate Joint Resolution No. 4, to the Committee on Constitutional Amendments.

SENATE BILLS ON FIRST READING

The following Senate bills, received from the Senate, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

Senate Bill No. 70, to the Committee on Judiciary.

Senate Bill No. 54, to the Committee on Education.

Senate Bill No. 205, to the Committee on Insurance.

Senate Bill No. 117, to the Committee on Education.

ADJOURNMENT

Mr. Kersey moved that the House recess until 8:00 o'clock p. m., today.

Mr. Hartzog moved that the House adjourn until 10:00 o'clock a. m., tomorrow.

The motion to adjourn prevailed, and the House, accordingly, at 5:00

o'clock p. m., adjourned until 10:00
o'clock a. m., tomorrow.

APPENDIX

REPORTS OF THE COMMITTEE ON ENGROSSED BILLS

Committee Room,

Austin, Texas, April 3, 1939.

Hon. R. Emmett Morse, Speaker of
the House of Representatives.

Sir: Your Committee on Engrossed
Bills, to whom was referred

H. B. No. 590, A bill to be entitled
"An Act to provide an emergency ap-
propriation of Twenty Thousand (\$20,-
000.00) Dollars payable out of any
funds in the State Treasury, not oth-
erwise appropriated, for the use and
benefit of the Gas Utilities Division
of the Railroad Commission of Texas
and for the use and benefit of the
Attorney General's Department; pro-
viding for repayment of said sum to
the general revenue, and further pro-
viding certain conditions and restric-
tions upon use of said sum, and de-
claring an emergency."

Has carefully compared same and
finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 3, 1939.

Hon. R. Emmett Morse, Speaker of
the House of Representatives.

Sir: Your Committee on Engrossed
Bills, to whom was referred

H. B. No. 190, A bill to be entitled
"An Act making the giving of any
check, draft or order for money upon
any bank, firm, person or corpora-
tion, a felony, providing the person
so giving such check, draft or order
has not at the time of giving such
check, draft or order sufficient funds
deposited with such bank, firm, per-
son or corporation to pay such check,
draft or order; providing for the
punishment for violation thereof; re-
pealing Section 4 of Article 1546 of
the Penal Code of the State of Texas
as revised in 1925, and declaring an
emergency."

Has carefully compared same and
finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 3, 1939.

Hon. R. Emmett Morse, Speaker of
the House of Representatives.

Sir: Your Committee on En-
grossed Bills, to whom was referred

H. B. No. 286, A bill to be entitled
"An Act providing for the standard-
ization of potatoes, tomatoes and
other vegetables by means of the com-
pulsory inspection, grading, classifica-
tion and marking thereof under the
authority of the Commissioner of
Agriculture of the State of Texas;
adopting the United States grades
and standards for vegetables and au-
thorizing the Commissioner to adopt
other, different and additional stand-
ards not directly in conflict there-
with; directing and empowering the
Commissioner to establish, promulgate
and publish rules and regulations to
effectuate the terms and provisions
of this Act; providing for the publi-
cation of rules and regulations of the
Commissioner and appeal therefrom;
prohibiting the Commissioner, his
agents, inspectors and employees from
engaging in the business of buying
and/or selling vegetables; providing
for inspection and certification of
shipments of vegetables in and/or
from the State of Texas; defining
the terms 'inspectors and/or agents
and/or employees' of the Commis-
sioner; providing for the form of
certification; authorizing the Commis-
sioner to enter into cooperative agree-
ments with the United States Depart-
ment of Agriculture for the inspection
and/or grading and/or certification
of vegetables; providing for the ex-
penses of the enforcement of this
Act by means of contributions from
growers and/or shippers of vegetables
and/or by virtue of cooperative agree-
ment between the Commissioner and
the United States Department of Ag-
riculture; providing that this law shall
be self-financing and that no appro-
priation shall be required; making
notice to the Commissioner by pack-
ers and/or shippers of vegetables and
their intention to ship mandatory;
providing that certificates issued
under and by virtue of this Act shall
be prima facie evidence of the truth
of their contents in all Courts of the
State of Texas; authorizing the Com-
missioner to prescribe containers for
use in the shipment of vegetables and
regulating the re-use of such contain-
ers; defining 'deceptive pack' and pro-
viding that 'deceptive pack' shall be

unlawful; making certain exclusions; providing for the proper marking of packages, parcels and containers of vegetables shipped in and/or from the State of Texas; providing that the application of the provisions of this Act shall be optional to counties within this State and providing for the exercise of such option; providing for the suspension of this Act in counties wherein adopted and the procedure therefor; providing penalties for violations of this Act; making this Act cumulative of all laws now on the statutes of the State of Texas; repealing all statutes or parts of statutes directly in conflict herewith, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 4, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. C. R. No. 81, Urging the Department of Agriculture to desist from the sale of certain mortgaged property at public auction.

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

REPORTS OF THE COMMITTEE ON ENROLLED BILLS

Committee Room,

Austin, Texas, April 3, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 835, "An Act to amend Subsection 8 of Article 199 of the Revised Civil Statutes of Texas of 1925; and providing an effective date."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, April 4, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 80, Recalling Senate Concurrent Resolution No. 21 from the Governor's office.

Has carefully compared same and finds it correctly enrolled.

BAILEY, Acting Chairman.

Austin, Texas, April 4, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 474, "An Act to fix the salary of the County Superintendent of Public Instruction in counties having a population of not less than twenty-two thousand, one hundred (22,100) nor more than twenty-two thousand, five hundred (22,500); all counties having a population of not less than forty-one thousand and fifty (41,050) and not more than forty-two thousand, one hundred (42,100); all counties having a population of not less than twenty-two thousand, six hundred (22,600) and not more than twenty-two thousand, eight hundred (22,800); all counties having a population of not less than fourteen thousand, five hundred and fifty (14,550) and not more than fourteen thousand, eight hundred (14,800); and in all counties having a population of not less than eleven thousand and twenty-one (11,021) and not more than eleven thousand and fifty (11,050), according to the last preceding Federal Census; repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

BAILEY, Acting Chairman.

SENT TO THE GOVERNOR

April 4, 1939

House Bill No. 835.

House Bill No. 474.

House Concurrent Resolution No. 80.

FORTY-NINTH DAY

(Wednesday, April 5, 1939)

The House met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Morse.

The roll of the House was called, and the following Members were present:

Mr. Speaker	Bell
Allen	Blankenship
Allison	Bond
Alsup	Boyd
Bailey	Boyer
Baker	Bradbury
of Fort Bend	Bradford
Baker of Grayson	Bray